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CLERK U.S. DISTRICT COURT
ANCHORAGE ALASKA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

ALASKA RENT-A-CAR, INC.,)
an Alaska Corporation,)
)
Plaintiff,)
)
v.)
)
CENDANT CORPORATION, et al.,)
)
Defendants.) Case No. 3:03-cv-29 [TMB]
_____)

ORDER REGARDING DM 26, 27, 28, AND 29

Based on the discovery mediation on February 23, 2006 the following conclusions were reached by the Discovery Master:

1. A list of "Budget Contracts Missing CPAFs" and a list of "Avis Contracts Missing CPAFs" were provided to the Defendants' counsel and a list of "Missing Budget Contracts" was also provided to the Defendants' counsel. The Defendants shall review these three lists and state whether they have any such items and, if so, produce copies to the Plaintiff within seven days of the date of this Order. If an item is not produced, Defendants shall certify that they have not been able, after a reasonable search, to find the items or that it does not exist, also within seven days of the date of this Order. This resolves the portion of DM 27 dealing with CPAFs and DM 26 with respect to contracts.

2. With respect to DM 27, the Akin Gump documents from the Agency litigation shall be made available to the Plaintiffs on or before March 10, 2006, provided

that Akin Gump has provided them to Defendants' counsel to review by March 3, 2006. Any documents removed or withheld from the Akin Gump documents will be identified by Defendants in a privilege log. If there are voluminous documents (for example, more than 4,000 pages) then the Defendants shall so advise.

3. The "Budget Alaska Reservations" and "Avis Alaska Reservations" documents (the documents which indicate the AWD number and corporate customer name and numbers of reservations in 2003 through 2005) will be updated pursuant to a future order.

4. The Defendants will not be required in DM 28 to provide further response to Interrogatories 23 and 24; however, to the extent those witnesses (Klyce, Aprati, and Kost) provide testimony which creates grounds for additional discovery, the Discovery Master will consider allowing such discovery.

5. The Discovery Master has not yet addressed Interrogatories 25, 26, 31, 33, 34, 35, and 36.

6. DM 29 raised a number of issues. With respect to the "Hertz retaliation program," "protect from market list," and the "Hertz vulnerable list," the Defendants will produce any such list and documents setting forth those programs, if they exist. If any or all of such items do not exist in written format, the Defendants will provide an affidavit summarily explaining what the program or list was and its intended purpose.

IT IS SO ORDERED.

DATED: MARCH 6, 2006



DAVID B. RUSKIN
Discovery Master